

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **IRENE AKHIATAK**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") as amended;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **ULUKHAKTOK, NT.**

BETWEEN:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

- and -

IRENE AKHIATAK

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act* the respondent shall pay the applicant rent arrears in the amount of one thousand one hundred twenty four dollars (\$1124.00).
2. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondent shall pay the applicant compensation for use and occupation of the rental premises after the termination of the tenancy agreement in the amount of five thousand one hundred seventy dollars (\$5170.00) plus,
 - a) sixty seven dollars and sixty seven cents (\$67.67) for each day in May, 2011 that the respondent remains in possession of the premises and,

- b) sixty nine dollars and ninety three cents (\$69.93) for each day in June, 2011
that the respondent remains in possession of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of May,
2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **IRENE AKHIATAK**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

-and-

IRENE AKHIATAK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 27, 2011

Place of the Hearing: Ulukhaktok, NT

Appearances at Hearing: Joe Perry, representing the applicant
Sadie Joss, representing the applicant

Date of Decision: April 27, 2011

REASONS FOR DECISION

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in her absence.

This tenancy agreement was terminated by order (file # 20-11866, filed on January 28, 2011) on February 15, 2011 when the respondent failed to meet the conditions of the order. The respondent remains in possession of the premises. The parties have not entered into another tenancy agreement nor has the tenancy agreement been reinstated. The respondent is overholding. The premises are subsidized public housing.

The previous order required the respondent to pay rent arrears in the amount of \$33,014.98 which included rent to January 31, 2011. Since June, 2010 rent has been assessed at the full unsubsidized amount of \$2098. The applicant stated that no income had been reported since the last order was issued nor had the respondent made any payments.

The applicant stated that the respondent had been served with numerous notices concerning the rent arrears and the failure to report income. She stated that the respondent had been verbally warned that continued breaches of these obligations would result in further legal action.

The applicant sought an order evicting the respondent.

I find rent arrears in addition to those previously ordered to be \$1124 calculated as followed:

February 1-15 at \$2098/month = \$1124

The respondent is entitled to compensation for use and occupation of the rental premises since the tenancy agreement was terminated on February 15, 2011. I calculate this compensation to be:

a) February 16-28 at \$2098/month	\$974
b) March, 2011 at \$2098/month	2098
c) April, 2011 at \$2098/month	<u>2098</u>
Total	\$5170

Plus:

- d) \$67.67 for each day in May, 2011 that the respondent remains in possession of the premises, and
- e) \$69.93 for each day in June, 2011 that the respondent remains in possession of the premises.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$1124 and compensation for use and occupation of the premises of \$5170 plus the per diem amounts stated above if the respondent remains in possession.

An eviction order shall be issued separately.

Hal Logsdon
Rental Officer